

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
10/4/07
5:30PM

ATTENDANCE: Randy Mackie, Ed Simmons, Greg Borgman, Nick Kroes, Chris Carter,

ABSENT: Jon Rolewicz

EXCUSED: Kirk Kolberg

STAFF: Mark Kincaid, Jim Hoppus, Laura Hichue, Don LaBrenz, Henry Faltinowski, Scott Vanderwier, Scott Houghtaling

GUESTS: Eugene LeRoux(381 Forest/1021 Washington), Chaunel Phillips/Eric Gibson (1174 Jefferson), Suleyman Cotal (4 W. Webster), Christina Anderson (555 Amity)

Meeting minutes: A motion was made by Randy Mackie and seconded by Nick Kroes to approve the September 2007 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
			Jon Rolewicz	
Nick Kroes				
		Chris Carter(late)		
Ed Simmons		Kirk Kolberg		

Motion carried.

Property Maintenance Code Appeal Case: 487 W. Webster, Gregory Smith, 157 E. 89th 3RW, New York, NY 10128 was removed from agenda

PROPERTY MAINTENANCE CODE APPEAL CASE:

381 W. Forest, Eugene LeRoux, 3558 Mohawk Dr. Muskegon, MI 49441

Mr. LeRoux was present to represent case.

Mr. LeRoux stated the inspection items on report are not numbered. Mr. LeRoux mentioned item #7, the most important, is regarding the electrical service which he says has been in place for 75 years and haven't had any problems with it. Greg Borgman asked if house was a rental property which Mr. LeRoux said yes. Don LaBrenz said he spoke with Ken Murar who conducted the inspection and he was there at the request of Scott Houghtaling, the housing inspector. Mr. LaBrenz said Mr. Murar noted the service was deteriorating to point that it needed to be replaced. Mr. LeRoux asked what was meant by deteriorated since there had been no problems. Mr. LaBrenz said we are trying to keep you from having problems because when service fails, it fails catastrophically, they start fires. Mr. LeRoux says he's appealing because there has been no problems and doesn't feel it needs to be replaced. Greg Borgman said that fires that burn from electrical issues are not a problem until the fire happens and when it's a rental things can't be grandfathered. Randy Mackie said a fire would hurt the renter more than you the landlord. Mr. Kleibecker asked if the inspectors report was deterioration in the wiring or the service. Don LaBrenz said one of the services has multiple fuse boxes and the other one apparently when the box was opened everything began to fall out. Mr. LeRoux said the box where everything fell out is not occupied and said the face panel was removed and some of the breakers fell out. Don LaBrenz said when that happens indicative that they don't stay stabbed into panel board anymore. Mr. Simmons asked if Mr. LeRoux was a homeowner and took the panel off and something fell out would you still feel safe. Mr. LeRoux said he's been working many hours over there and had not taken the panel apart and sees no reason to because there has been no problems. Ed Simmons asked if a renter had a curious 15 year old and open it up and something falls out are they still safe. Mr. LeRoux agreed he would be willing to change the service at that box but doesn't see need to change the other. Greg Borgman said since property is a rental and has to meet code he can't pick options it isn't a multiple choice. Mr. LeRoux asked how many times has home been inspected in 50 years and no one has written out electrical issues before. There was some discussion among board as to whether a first hand report needs to be given from the electrical inspector who conducted the inspection. Don LaBrenz said last month Mr. LeRoux spoke at length with electrical inspector during the HBA meeting. Mr. LeRoux said the other item was shingles missing off a roof which he says is part of a tear off. Mr. LaBrenz said in his discussion with Mr. LeRoux during the meeting last month that he only needed to schedule an inspection to verify that this was truly the case. Mr. LaBrenz in referring back to the electrical issues said focus has been put on the one panel board but it should be realized that the function of that cover is not to hold those breakers in and it tells us they are not making a adequate connection on that bust and when you start to load those it will in time fail and burn. Mr. LaBrenz added regarding the other panel

boards he understood the problem was there was little fuse boxes added over the years instead of adding a new service. Greg Borgman asked when the last time it was inspected and Mr. LaBrenz stated about 4 years ago but he can't tell whether inspector took the cover off or not. Ed Simmons asked if it was a different inspector who conducted the inspection 4 years ago and if that's the case should we appreciate the new inspector did a better job. Mr. Kleibecker said from what he has learned about the case that there is no in between ground and if the service is that bad even though not occupied at this time if in the future wants to rent it comes down to a life safety issue.

Staff Recommendation: Deny appeal

Motion was made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman Randy Mackie			Jon Rolewicz	
Nick Kroes Chris Carter Ed Simmons		Kirk Kolberg		

Motion carried.

1021 Washington – Eugene LeRoux, 3558 Mohawk Dr., Muskegon, MI 49441

Mr. LeRoux stated he wanted to discuss the light switch in the shower and he's owned house for 30 years and now new inspector wants it moved. He said if it does have to be moved it can be moved to the left so it's out of the tub area. Scott Houghtaling, housing inspector said when standing in the shower you can touch the light switch and if you close curtain and the switch is outside of curtain or shower wall it would be ok. Ed Simmons asked if there are waterproof switches. Don LaBrenz answered yes, but the issue is not the switch but there is energized equipment that water can be poured on and if the ground fails at any time now I have an enclosed switch sitting at 110 volts with my ankles in water. Ed Simmons asked if the switch is moved a foot is there still some waterproofing that would be required. Mr. LaBrenz said if it's outside the shower area it is not considered a wet location any longer. Mr. LeRoux said if switch was put behind the other door it wouldn't work it seems best location would be to the left outside of the shower. Nick Kroes said specifics should be worked out with Inspections. Mr. LeRoux said the reason he's appealing because he's had the house for 30 years and the switch has always been there and I've had about 6 inspections and no one has ever written it up. Greg Borgman said doesn't it make sense that it

was wrote up even though it wasn't in the past doesn't make it right. Don LaBrenz recalled item #5 regarding waterproof material. Mr. LeRoux said he doesn't have a problem with that the thing he wants most at this property is more time to fix issues. Mr. Kleibecker said a time schedule can be worked out.

Staff Recommendation: Deny appeal

Motion made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Nick Kroes			Jon Rolewicz	
Chris Carter				
Ed Simmons				
		Kirk Kolberg		

Motion carried.

1942 Nevada, Sean Mullally, 850 Victor, N. Muskegon, MI 49445

No one was present to represent case.

Don LaBrenz stated reason case was brought back was a procedural reason. The appeal was denied at the last meeting but in the motion no reasons were provided for denial. Motion was held until after other cases were heard.

DANGEROUS BUILDING REVIEW CASES

EN-050084 – 1174 Jefferson – Chaunel Phillips, 1168 Jefferson St., Muskegon, MI 49441

Chaunel Phillips/Gibson was present to represent case.

Mrs Phillips/Gibson stated a orange sticker/notice was put the on door of her house stating they couldn't enter to do any work about month and half ago. She stated all of her contractors quit and they have been working on the house themselves and when sticker was put on door she came to the Inspections Department to find out what was required to do her own work. She said all her rough-in inspections had passed before

notice was posted and Inspections Department told her the work that needed to be completed could be done by the homeowner and not have licensed contractors. She contacted Inspections after house was posted and was told by Inspections that she could do work but needed to pull another permit and she doesn't understand why she has to apply for another permit when permits were pulled by contractors and she's just finishing what they started. Don LaBrenz stated no stop work has ever been issued to that property but the orange posting issued was a "No Occupancy" at the request of the State of Michigan. Mr. LaBrenz said he instructed Mrs. Phillips/Gibson she needed to obtain permits because permits are non transferable and when contractor quits that permit becomes inactive, and if someone new wants to work on that project a new permit has to be issued because the last contractor can't be held responsible for work done after he left. Mrs. Phillips/Gibson said she was told as a homeowner she could do the work and doesn't see why she needs a permit to work on her own house to hang drywall and paint. Mr. LaBrenz stated permits are required of everyone who does work in a building in the State of Michigan even a homeowner of which the Housing Board of Appeals has no jurisdiction. Nick Kroes asked where she was in the project and Mrs Phillips/Gibson stated she has gotten a lot done, she has electricity, walls, cabinets, floors and doesn't know why she's here. Mr. Carter stated the reason she's here is because she needs to pull permits.

EN-070105 – 904 Scott /555 Amity – Christina Anderson – P.O. Box 262, Twin Lake, MI 49457

Christina Anderson was present to represent case.

Greg Borgman reviewed case.

Ms. Anderson said she's waiting on the insurance company it took 2 ½ months for them to send her paperwork to fill out and her claims worker has been on vacation and she hasn't been given a timetable. She stated it was a vacant house until her vindictive ex-boyfriend destroyed the house and she would like more time to rattle cage of insurance company and move forward. Don LaBrenz said property has been in front of the board before which Ms. Anderson objected saying years ago what happened at property had no relevance why case is before board today. Mr. Kleibecker stated the reason Ms. Anderson is here to provide a sensible timeline for repairs that need to be completed. Ms Anderson said she speculates it would take her 6 months after permit is issued. Nick Kroes asked if home was secured and Ms Anderson responded she boarded up herself. Mr. Kroes suggested that Ms Anderson submit a detail plan so there could be some checkpoints on progress, and be realistic about time it will take.

Motion made by Chris Carter that permits be issued by November 5th and allow 6 months to complete repairs with monthly inspections seconded by Nick Kroes.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

EN-050084 – 1174 Jefferson – Chaunel Phillips, 1168 Jefferson St., Muskegon, MI 49441

Mr. Kleibecker asked that board go back to case for 1174 Jefferson because no motion was made. Chris Carter asked Ms Phillips/Gibson how long it would take for her to pull a permit and Mrs. Phillips/Gibson said she could get permit the next day. Mr. Kleibecker said all permits, building, plumbing, mechanical, and electrical have to be applied for.

Motion was made by Chris Carter for all permits to be issued by October 15, 2007 and seconded by Randy Mackie.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

EN-070151 – 4 W. Webster, Suleyman Cotal, 390 W. Muskegon, Michigan 49440

Mr. Cotal was present to represent case.

Mr. Kleibecker reviewed case stating it's a commercial property and has been through numerous contractors with little progress. The last permit was issued September 18, 2007.

Mr. Cotal stated he doesn't know why he's before board and has a permit and he said the problem now is he got a notice posted on window and electrical, plumbing, and mechanical contractors will not give him estimates because they say building is condemned. He said if notice was removed he could find contractors and his current carpenter says work will be done next Tuesday and hopes he keeps his promise. Henry Faltinowski said he only conducted a partial rough-in inspection for soffit and footings only. Mr. Cotal asked how long will the posting remain and Mr. Kleibecker said they will get report from Fire Marshall regarding posting.

Motion was made by Chris Carter to table case for 30 days to allow time to get report from Fire Marshall.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

EN-070161 – 1111 Emerson – United States of America, 5312 Bolsa Ave; Suite 200, Huntington Beach, CA 92649

No one was present to represent case.

Mr. Kleibecker reviewed case and showed photos.

Motion made by Nick Kroes to declare the building substandard, a public nuisance, and dangerous building and seconded by Randy Mackie

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

EN-070144 -499 W. Muskegon – Dianisha Willis, 19402 Costlin Ave. Carson, CA 90746

No one was present to represent case.

Mr. Kleibecker reviewed case and showed photos.

A motion was made by Nick Kroes to declare the building substandard, a public nuisance, and dangerous building and seconded by Randy Mackie.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

EN-070163 – 1553 Pine St – United States of America, 5312 Bolsa Ave., Ste 200, Huntington Beach, CA 92649

No one was present to represent case.

Mr. Kleibecker reviewed case and showed photos stating area is a high narcotic area that police is working on with neighborhood.

Motion made by Randy Mackie to declare the building substandard, a public nuisance, and dangerous building and seconded by Chris Carter.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie

Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

Kirk Kolberg

ABSENT:

Jon Rolewicz

ABSTENTION:

Motion carried.

Property Maintenance Code Appeal Case

1942 Nevada, Sean Mullally, 850 Victor, N. Muskegon, MI 49445

The board turned attention back to this case to determine reasons it was denied. Don LaBrenz stated regarding item #1 outlet not grounded Mr. Mullally is claiming loose ground wire on outside of house. Mr. LaBrenz said test conducted is continuity between plug and the circuit box all within the house. The item #2 globe missing, Mr. LaBrenz concedes that language is not in property maintenance code but national electrical code requires light fixtures be used as manufactured and listed. Item 3 & 4 it appears Mr. Mullally is not contesting the findings of inspector but that no one else called it out before now. Nick Kroes asked what verbiage is being asked for. Don LaBrenz said Mr. Mullally wants specific reasons for denial. Ed Simmons asked if Mr. Mullally had been present for meeting and if he's willing to work with Inspections which Mr. LaBrenz said he believes he works second shift.

Motion made by Randy Mackie to deny all four items because of not being in compliance with property maintenance code and seconded by Chris Carter.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie

Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

Kirk Kolberg

ABSENT:

Jon Rolewicz

ABSTENTION:

Motion carried.

OLD BUSINESS:

Nick Kroes reported it has been 180 days since 143 Southern was board up. Greg Borgman reported the appreciation shown by Heritage Association towards the Inspection Department regarding the Sieradzki house and he has proposed a committee to be set up to profile homes to be saved. Scott Vandewier suggested liaison be between neighborhood associations and Heritage Association.

NEW BUSINESS:

ADJOURNMENT:

6:47 PM

CITY OF MUSKEGON

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773